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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,568	06/26/2001	William A. Sobonya	M 6817.MANCO	1960

7590 06/20/2002

Stephen D. Harper
Law Department
2500 Renaissance Blvd., Suite 200
Gulph Mills, PA 19406

EXAMINER

RUDDOCK, ULA CORINNA

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 06/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/891,568Applicant(s)
Sobonya et al.Examiner
Ula Corinna RuddockArt Unit
1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jun 26, 2001
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 3
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9 is considered indefinite because Applicant discloses "at least one side has been smoothed." It is unclear to the Examiner what side is being smoothed. Is the foam side of the composite being smoothed or is the scrim side of the composite being smoothed? Clarification is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

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(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

4. Claims 1, 2, 3, 5, 10, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Schottenfeld (US 5,707,903). Schottenfeld discloses a decorative non-slip liner comprising a non-slip pad and a sheet covering (abstract). The non-slip pad is formed from a scrim coated with a polyvinyl chloride foam (col 2, ln 17-19). The scrims are made of natural or synthetic fibers which are woven (col 2, ln 19-20). With regard to claim 10, because the sheet can be used to line drawers (col 1, ln 15), the surface of the drawers would inherently be horizontal.

5. Claims 1, 2, 3, 7, 9, 10, 11 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Hawley et al. (US 6,130,174). Hawley et al. disclose a smooth surface foam laminate comprised of a plastic foam surrounding a scrim (abstract). The scrim layer is woven (col 2, ln 59) and the foam is a polyvinyl chloride plastic (claim 1). With regard to claim 7, the laminate has a thickness of .034-.128 inches, or 34-128 mils (col 3, ln 1-8). The upper surface of the laminate is smooth (col 2, ln 7-9). With regard to claim 10, because the sheet can be used to line drawers (col 1, ln 13-15), the surface of the drawers would inherently be horizontal.

6. Claims 1, 2, 3, 7, 9, 10, 11 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Hawley et al. (US 6,221,796). Hawley et al. disclose a laminate material comprised of a plastic foam surrounding a scrim (abstract). The scrim layer is woven (col 2, ln 61) and the foam is a

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polyvinyl chloride plastic (claim 1). With regard to claim 7, the laminate has a thickness of .034-.128 inches, or 34-128 mils (col 3, ln 5-12). The upper surface of the laminate is smooth (col 2, ln 7-9). With regard to claim 10, because the sheet can be used to line drawers (col 1, ln 13-15), the surface of the drawers would inherently be horizontal.

7. Claims 1, 2, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Dehondt (US 5,346,278). Dehondt discloses a non-slip high chair cushion (abstract). The cushion is formed by dipping a scrim material into a plastic foam material, preferably polyvinyl chloride (col 2, ln 57-60). With regard to claim 10, because the cushion is used on high-chairs, the surface of the high-chair seat would inherently be horizontal.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schottenfeld (US 5,707,903), as shown above, in view of Owen (US 5,863,845) or Owen

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(5,874,371). Schottenfeld discloses the claimed invention except for the teaching that the scrim is non-woven.

Both of the Owen patents disclose a non-skid covering (abstract) comprising a cured polyvinyl chloride resin (col 2, ln 23-25) applied to a woven or non-woven scrim (col 2, ln 5-7). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used the non-woven scrim of Owen as the scrim in Schottenfeld, motivated by the desire to obtain a laminate with increased strength.

10. Claims 7, 9, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schottenfeld (US 5,707,903), as shown above, in view of Hawley et al. (US 6,130,174) or Hawley et al. (US 6,221,796). Schottenfeld discloses the claimed invention except for the teaching that the sheet product has a thickness from about 45 to about 150 mils and that at least one side has been smoothed.

Both of the Hawley et al. patents disclose a smooth surface foam laminate comprised of a plastic foam surrounding a scrim (abstract). With regard to claims 7 and 14, the laminate has a thickness of .034-.128 inches, or 34-128 mils (col 3, ln 1-8). The upper surface of the laminate is smooth (col 2, ln 7-9). It would have been obvious to one having ordinary skill in the art to have made the non-slip liner of Schottenfeld have a thickness of 34-128 mils, as taught by Hawley et al. motivated by the desire to obtain a liner having both a desired flexibility and strength.

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It also would have been obvious to one having ordinary skill in the art at the time the invention was made to have smoothed the upper surface of Schottenfeld, as taught by Hawley et al., motivated by the desire to obtain a liner having a continuous surface.

11. Claims 6, 8, and 13 are rejected under 35. U.S.C. 103 (a) as being unpatentable over Schottenfeld (US 5,707,903) and Hawley et al. (US 6,130,174) or Hawley et al. (US 6,221,796), as applied to claims 7, 9, and 14, and further in view of McDermott, III et al. (US 5,120,587).

Schottenfeld and Hawley et al. disclose the claimed invention except for the teaching that the foamed resin is a foamed polyvinyl chloride plastisol and that the sheet product has a thickness of from about 55 to 100 mils.

With regard to claims 6 and 13, it should be noted that, by definition, a plastisol is "a substance consisting of a mixture of a resin and a plasticizer that can be molded, cast, or made into a continuous film by application of heat." (*Merriam Webster's Collegiate Dictionary*, 10th Edition). McDermott, III et al. (US 5,120,587) disclose a support binder in the form of a scrim in which foam material surrounds the openings of a scrim (abstract). The foam material preferably comprises a mixture of polyvinyl chloride (PVC) and a plasticizer (col 6, ln 65-67). As a result, McDermott's foamed mixture of PVC and plasticizer is a foamed polyvinyl chloride plastisol, as disclosed in the present invention. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have used McDermott's foamed polyvinyl chloride plastisol as

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the foamed PVC resin of Schottenfeld and Hawley et al., motivated by the desire to obtain a liner with flexibility.

With regard to claim 8, which is dependent upon claim 6, Hawley et al. disclose that the laminate has a thickness of .034-.128 inches, or 34-128 mils (col 3, ln 1-8).

12. Claim 15 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Schottenfeld (US 5,707,903), as shown above, in view of Juriga (US 5,536,556). Schottenfeld discloses the claimed invention except for the teaching that the scrim is formed from spun strands.

Juriga (US 5,536,556) disclose a laminate comprising a fiber reinforcing scrim bonded to a foam lamina (col 2, ln 62-63). The scrim is preferably a spunbonded (i.e. spun) polyester fiber mat (col 5, ln 62-64). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have spun the fibers of Schottenfeld as disclosed by Juriga, motivated by the desire to obtain a liner having increased structural integrity.

13. Claims 4 and 12 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Hawley et al. (US 6,130,174), as shown above, in view of Owen (US 5,863,845) or Owen (US 5,874,371). Hawley et al. disclose the claimed invention except for the teaching that the scrim is non-woven.

Both of the Owen patents disclose a non-skid covering (abstract) comprising a cured polyvinyl chloride resin (col 2, ln 23-25) applied to a woven or non-woven scrim (col 2, ln 5-7). It would have been obvious to one having ordinary skill in the art at the time the invention was made

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to have used the non-woven scrim of Owen as the scrim in Hawley et al., motivated by the desire to obtain a laminate with increased strength.

14. Claims 6, 8, and 13 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Hawley et al. (US 6,130,174), as shown above, in view of McDermott, III et al. (US 5,120,587). Hawley et al. disclose the claimed invention except for the teaching that the foamed resin is a foamed polyvinyl chloride plastisol and that the sheet product has a thickness of from about 55 to 100 mils.

With regard to claims 6 and 13, it should be noted that, by definition, a plastisol is "a substance consisting of a mixture of a resin and a plasticizer that can be molded, cast, or made into a continuous film by application of heat." (*Merriam Webster's Collegiate Dictionary*, 10th Edition. McDermott, III et al. (US 5,120,587) disclose a support binder in the form of a scrim in which foam material surrounds the openings of a scrim (abstract). The foam material preferably comprises a mixture of polyvinyl chloride (PVC) and a plasticizer (col 6, ln 65-67). As a result, McDermott's foamed mixture of PVC and plasticizer is a foamed polyvinyl chloride plastisol, as disclosed in the present invention. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have used McDermott's foamed polyvinyl chloride plastisol as the foamed PVC resin of Hawley et al., motivated by the desire to obtain a liner with flexibility.

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With regard to claim 8, which is dependent upon claim 6, Hawley et al. disclose that the laminate has a thickness of .034-.128 inches, or 34-128 mils (col 3, ln 1-8).

15. Claim 15 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Hawley et al. (US 6,130,174), as shown above, in view of Juriga (US 5,536,556). Hawley et al. disclose the claimed invention except for the teaching that the scrim is formed from spun strands.

Juriga (US 5,536,556) disclose a laminate comprising a fiber reinforcing scrim bonded to a foam lamina (col 2, ln 62-63). The scrim is preferably a spunbonded (i.e. spun) polyester fiber mat (col 5, ln 62-64). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have spun the fibers of Hawley et al. as disclosed by Juriga, motivated by the desire to obtain a liner having increased structural integrity.

16. Claims 4 and 12 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Hawley et al. (US 6,221,796), as shown above, in view of Owen (US 5,863,845) or Owen (US 5,874,371). Hawley et al. disclose the claimed invention except for the teaching that the scrim is non-woven.

Both of the Owen patents disclose a non-skid covering (abstract) comprising a cured polyvinyl chloride resin (col 2, ln 23-25) applied to a woven or non-woven scrim (col 2, ln 5-7). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used the non-woven scrim of Owen as the scrim in Hawley et al., motivated by the desire to obtain a laminate with increased strength.

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17. Claims 6, 8, and 13 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Hawley et al. (US 6,221,796), as shown above, in view of McDermott, III et al. (US 5,120,587). Hawley et al. disclose the claimed invention except for the teaching that the foamed resin is a foamed polyvinyl chloride plastisol and that the sheet product has a thickness of from about 55 to 100 mils.

With regard to claims 6 and 13, it should be noted that, by definition, a plastisol is "a substance consisting of a mixture of a resin and a plasticizer that can be molded, cast, or made into a continuous film by application of heat." (*Merriam Webster's Collegiate Dictionary*, 10th Edition). McDermott, III et al. (US 5,120,587) disclose a support binder in the form of a scrim in which foam material surrounds the openings of a scrim (abstract). The foam material preferably comprises a mixture of polyvinyl chloride (PVC) and a plasticizer (col 6, ln 65-67). As a result, McDermott's foamed mixture of PVC and plasticizer is a foamed polyvinyl chloride plastisol, as disclosed in the present invention. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have used McDermott's foamed polyvinyl chloride plastisol as the foamed PVC resin of Hawley et al., motivated by the desire to obtain a liner with flexibility.

With regard to claim 8, which is dependent upon claim 6, Hawley et al. disclose that the laminate has a thickness of .034-.128 inches, or 34-128 mils (col 3, ln 1-8).

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18. Claim 15 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Hawley et al. (US 6,221,796), as shown above, in view of Juriga (US 5,536,556). Hawley et al. disclose the claimed invention except for the teaching that the scrim is formed from spun strands.

Juriga (US 5,536,556) disclose a laminate comprising a fiber reinforcing scrim bonded to a foam lamina (col 2, ln 62-63). The scrim is preferably a spunbonded (i.e. spun) polyester fiber mat (col 5, ln 62-64). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have spun the fibers of Hawley et al. as disclosed by Juriga, motivated by the desire to obtain a liner having increased structural integrity.

19. Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dehondt (US 5,346,278), as shown above, in view of Hawley et al. (US 6,130,174) or Hawley et al. (US 6,221,796). Dehondt discloses the claimed invention except for the teaching that the sheet product has a thickness from about 45 to about 150 mils and that at least one side has been smoothed.

Both of the Hawley et al. patents disclose a smooth surface foam laminate comprised of a plastic foam surrounding a scrim (abstract). With regard to claim 7, the laminate has a thickness of .034-.128 inches, or 34-128 mils (col 3, ln 1-8). The upper surface of the laminate is smooth (col 2, ln 7-9). It would have been obvious to one having ordinary skill in the art to have made the non-slip liner of Dehondt have a thickness of 34-128 mils, as taught by Hawley et al. motivated by the desire to obtain a liner having the desired flexibility and strength.

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It also would have been obvious to one having ordinary skill in the art at the time the invention was made to have smoothed the upper surface of Dehondt, as taught by Hawley et al., motivated by the desire to obtain a liner having a continuous surface.

Conclusion

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ula C. Ruddock whose telephone number is (703) 305-0066. The Examiner can normally be reached Monday through Thursday from 6:30 AM to 5 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor Terrel Morris can be reached at (703) 308-2414.

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-2351.

Ula C. Ruddock
Patent Examiner
Art Unit 1771
June 17, 2002

UCR

Ula Ruddock